

HOUSE BILL 714

By Brooks H

AN ACT to amend Tennessee Code Annotated, Title 29
and Title 36, relative to court proceedings.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-4-121(c)(5), is amended by designating the existing language as subdivision (A) and adding the following new subdivision (B):

(B) For purposes of this subdivision (c)(5), dissipation of assets means wasteful expenditures made either before or after the marriage is determined to be irretrievably broken that are not consistent with spending patterns during the marriage or that are made for purposes unrelated to the marriage, unless the other spouse condones or fails to object to expenditures that were known or reasonably could have been known.

SECTION 2. Tennessee Code Annotated, Section 36-5-101(a), is amended by adding a new subdivision (9) thereto:

(9) Where a recipient's receipt of a right to periodic payments of retirement or pension benefits has been considered by the trial court in its division of marital property, the receipt of such periodic payments shall not be considered income for the purpose of determining a spouse or ex-spouse's right to receive alimony or child support. Where the lump sum amount of such benefits or of balances in an individual retirement account, §§ 401(k), 403(b), 457, compiled in 26 U.S.C. §§ 401(k), 403(b) and 457, respectively, or any other tax qualified account has been considered by the trial court, distributions of such lump sum amounts shall not be considered income for the purpose of determining a spouse or ex-spouse's right to receive alimony or child support, but the income

generated by the investment of such lump sum awards shall be considered income for such purpose.

SECTION 3. Tennessee Code Annotated, Section 36-5-121, is amended by inserting the following new subsection and redesignating subsequent subsections accordingly.

(j) Where a recipient's receipt of a right to periodic payments of retirement or pension benefits has been considered by the trial court in its division of marital property, the receipt of such periodic payments shall not be considered income for the purpose of determining a spouse or ex-spouse's right to receive money or child support. Where the lump sum amount of such benefits or of balances in an individual retirement account, §§ 401(k), 403(b), 457, compiled in 26 U.S.C. §§ 401(k), 403(b) and 457, respectively, or any other tax qualified account has been considered by the trial court, distributions of such lump sum amounts shall not be considered income for the purpose of determining a spouse or ex-spouse's right to receive alimony or child support, but the income generated by the investment of such lump sum awards shall be considered income for such purpose.

SECTION 4. Tennessee Code Annotated Section 36-6-110, is amended by deleting the section in its entirety and substituting instead the following:

36-6-110.

Except when the juvenile court or other appropriate court finds it not in the best interests of the affected child, upon petition by a non-custodial, biological parent whose parental rights have not been terminated, the court shall grant the rights set forth in § 36-6-101(a)(3)(A).

SECTION 5. Tennessee Code Annotated Section 29-9-104(b), is amended by deleting the language "ordered by the court" and substituting instead the language "or pays the damages ordered by the court."

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.